

AMENDED IN SENATE APRIL 15, 2002

**SENATE BILL**

**No. 1359**

**Introduced by Senator Haynes**

February 6, 2002

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An act to amend Section 434.5 of the Government Code, relating to display of the American flag.

LEGISLATIVE COUNSEL'S DIGEST

SB 1359, as amended, Haynes. Display of the American flag.

Existing law prohibits any person, private entity, or governmental agency from adopting a measure that prevents any person or private entity from exercising his or her legal right to display a Flag of the United States on private property, unless it is used as, or in conjunction with, an advertising display. Existing law prohibits these provisions from being construed to prevent a city, county, or city and county from imposing reasonable restrictions as to the time, place, and manner of placement or display of a Flag of the United States when necessary for the preservation of the public's health, safety, or order, and prohibits any restrictions from being imposed solely to promote aesthetic considerations.

This bill would additionally prohibit any local government agency, as defined, from adopting any policy or regulation that prohibits or restricts an employee of that agency from displaying a Flag of the United States ~~in his or her workplace~~, *or any emblem or depiction of that flag, on his or her person, in his or her workplace*, or on a local government agency vehicle, except as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 434.5 of the Government Code is amended to read:

434.5. (a) As used in this section, the following terms have the following meaning:

(1) “Legal right” means the freedom of use and enjoyment generally exercised by owners and occupiers of land.

(2) “Local government agency” means a county, city, whether general law or chartered, city and county, town, municipal corporation, school district or other district, political subdivision, or any board, commission, or agency thereof, or other local agency.

(b) (1) No person, private entity, or governmental agency shall adopt any rule, regulation, or ordinance, or enter into any agreement or covenant, that prevents any person or private entity that would otherwise have the legal right to display a Flag of the United States on private property from exercising that right, unless it is used as, or in conjunction with, an advertising display.

(2) Nothing in this subdivision shall be construed to prevent a city, county, or city and county from imposing reasonable restrictions as to the time, place, and manner of placement or display of a Flag of the United States when necessary for the preservation of the public’s health, safety, or order.

(c) (1) ~~No local government agency shall~~ A local government agency may not adopt any policy or regulation that prohibits or restricts an employee of that agency from displaying a Flag of the United States ~~in his or her workplace, or any emblem or depiction of that flag, on his or her person, in his or her workplace, or on a~~ local government agency vehicle operated by that employee.

(2) Nothing in this subdivision shall be construed to prevent a local government agency from imposing reasonable restrictions as to the time, place, and manner of placement or display of a Flag of the United States when necessary for the preservation of the order or discipline of the workplace.

(d) No restrictions solely to promote aesthetic considerations shall be imposed pursuant to paragraph (2) of subdivision (b) or paragraph (2) of subdivision (c).

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